

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dwayne E. EBERSOLE	Examiner:	K.DINH
Serial No.:	10/728,471	Group Art Unit:	2151
Filed:	DECEMBER 5, 2003	Docket No.:	TN337C
		Customer No.:	27276
Title:	OPTIMIZING VIRTUAL INTERFACE ARCHITECTURE (VIA) ON MULTIPROCESSOR SERVERS AND PHYSICALLY INDEPENDENT CONSOLIDATED NICS		

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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This communication is responsive to the Examiner's official paper mailed January 8, 2008. Claims 1-17 are pending in the present application. The Examiner asserted a Combination/Subcombination restriction requirement for three allegedly different groups of claims in an action filed September 9, 2007. The Applicants responded by respectfully maintaining, for the reasons stated in their response dated October 24, 2007, that the Election/Restriction requirement was improper. The Applicant formally elected with traverse the Group II set of claims as recited within Claim 6-9, and the Applicants respectfully request that the restriction requirement be withdrawn. The Examiner asserts in the Office Action that the Restriction Requirement is **FINAL**, but the Examiner asserts **NO REJECTION of any kind**. Therefore, the Applicants respectfully request that elected claims 6-9 be passed for allowance without delay.